

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Request for Review of the
Decision of the
Universal Service Administrator by
Twin Valley School District
Reading, Pennsylvania
Federal-State Joint Board on
Universal Service
Changes to the Board of Directors of the
National Exchange Carrier Association, Inc.
File No. SLD- 235215
CC Docket No. 96-45
CC Docket No. 97-21

ORDER

Adopted: March 20, 2002

Released: March 21, 2002

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Berks County Intermediate Unit, on behalf of Twin Valley School District (Twin Valley), Reading, Pennsylvania. Prior to the time that Twin Valley filed its request with the Commission, it filed a request for review with the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). For the reasons set forth below, we dismiss Twin Valley's Request for Review to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator. In this case, because Twin Valley has a request pending before the Administrator, we dismiss Twin Valley's Request for Review to the Commission without prejudice. Once the Administrator has issued its decision on

1 Letter from Robert B. Lipton, Berks County Intermediate Unit, to Federal Communications Commission, filed February 20, 2002 (Request for Review).

2 Letter from Robert B. Lipton, Berks County Intermediate Unit, to Schools and Libraries Division, Universal Service Administrative Company, filed January 14, 2002 (Request for Administrator Review).

3 47 C.F.R. § 54.720 (allowing appeals to either the Commission or the Administrator, but tolling the filing period with the Commission, when an applicant has an appeal pending with the Administrator, until the Administrator issues a decision on the appeal).

Twin Valley's initial request, Twin Valley may then appeal to the Commission if it believes such appeal is warranted at that time.⁴

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Twin Valley School District, Reading, Pennsylvania, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rights of review, filing deadlines, standards of review, and other rules pertaining to Commission review of the Administrator's decisions).